

AMENDED IN ASSEMBLY MAY 8, 2008

AMENDED IN ASSEMBLY APRIL 7, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1778

Introduced by Assembly Member Ma

January 15, 2008

An act to add Section 21608.6 to the Business and Professions Code, relating to junk dealers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1778, as amended, Ma. Junk dealers and recyclers: *newspaper and California Redemption Value (CRV) containers*.

Existing law requires junk dealers and recyclers, as defined, to keep written records of all sales and purchases made in the course of their business. Existing law requires these records to include specified information, including, among other things, the place and date of each sale or purchase of junk, a description of the item of junk, and the personal and vehicle information of the person purchasing or transporting the junk. Existing law exempts certain purchases of scrap metals by a junk dealer or recycler from these provisions. A violation of these provisions regulating junk dealers and recyclers is a crime.

This bill would prohibit a junk dealer or recycler, *in specified jurisdictions*, from providing payment for *newspaper and for California Redemption Value (CRV) containers* unless, except as specified, the payment is made by check and the dealer or recycler obtains certain identifying information, as specified, to be retained by the dealer or recycler for a certain period of time. The bill would specify that this provision does not apply to the ~~redemption of payment for newspaper~~

or CRV containers having a value of \$50 or less in a single transaction.
The bill would exempt specified recycling centers from its provisions.

Because a violation of the bill's provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21608.6 is added to the Business and
2 Professions Code, to read:

3 21608.6. (a) A junk dealer or recycler in this state shall not
4 provide payment for *newspaper, as defined in Section 538c of the*
5 *Penal Code, or for California Redemption Value (CRV) containers*
6 unless, in addition to meeting the written record requirements of
7 Sections 21605 and 21606, all of the following requirements are
8 met:

9 (1) The payment for *the newspaper or for the CRV containers*
10 is made by check or by other electronic transfer from the junk
11 dealer or recycler to the seller.

12 (2) The junk dealer or recycler obtains and records a valid,
13 documented address for the seller by obtaining a copy of the valid
14 driver's license of the seller containing a photograph and an address
15 of the seller, or a copy of a state or federal government-issued
16 identification card containing a photograph and an address of the
17 seller, or other valid identification containing the seller's address,
18 such as utility bills in the seller's name. The junk dealer or recycler
19 shall preserve the photograph and the address or the copies obtained
20 pursuant to this paragraph for a period of two years after the date
21 of sale.

22 (b) The requirements of paragraph (1) of subdivision (a) shall
23 not apply if, during any three-month period commencing on or
24 after the effective date of this section, the junk dealer or recycler
25 completes five or more separate transactions per month with the
26 seller, and in order for the requirements of paragraph (1) of

1 subdivision (a) to continue to be inapplicable, the seller must
2 continue to complete five or more separate transactions per month
3 with the junk dealer or recycler.

4 (c) This section shall not apply if, on the date of sale, the junk
5 dealer or recycler has on file or receives all of the following
6 information:

7 (1) The name, physical business address, and business telephone
8 number of the seller's business.

9 (2) The business license number or tax identification number
10 of the seller's business.

11 (3) A copy of the valid driver's license of the person delivering
12 *newspaper or* CRV containers on behalf of the seller to the junk
13 dealer or the recycler.

14 (d) This section shall not apply to the ~~redemption of payment~~
15 *for newspaper or* CRV containers having a value of fifty dollars
16 (\$50) or less in a single transaction.

17 (e) *This section shall not apply to any of the following:*

18 (1) *A supermarket site, as defined in Section 14526.6 of the*
19 *Public Resources Code.*

20 (2) *A nonprofit convenience zone recycler, as defined in Section*
21 *14514.7 of the Public Resources Code.*

22 (3) *A rural region recycler, as defined in Section 14525.5.1 of*
23 *the Public Resources Code.*

24 (f) *This section shall only apply in jurisdictions that offer*
25 *curbside pick-up of materials that include newspaper and CRV*
26 *containers.*

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.